

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

**TLC Realty 1 LLC d/b/a TLC
General Contracting, LLC,**

Plaintiff,

v.

**Case No. 3:13-CV-56
Judge Thomas M. Rose**

Belfor USA Group, Inc.,

Defendant.

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS COUNT TWO OF
PLAINTIFF'S AMENDED COMPLAINT. ECF No. 15.**

On December 3, 2013, the Court dismissed Count Two of Plaintiff's Complaint. In accordance with the Court order, Plaintiff filed its proposed amended complaint on December 12, 2013, which still stated the dismissed claim. Defendant has moved the Court to dismiss this claim, to which Plaintiff does not object, though retaining any right to appeal the Court's dismissal. Count Two of the amended complaint is DISMISSED. The matter is ripe for discovery and the filing of a Rule 26(f) report.

DONE and ORDERED in Dayton, Ohio, this Wednesday, January 22, 2014.

/s Thomas M. Rose
Thomas M. Rose
United States District Judge